

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Scott Malcolm and Tim McGough,
as Trustees of the Carpenters &
Joiners Welfare Fund, Twin City
Carpenters Pension Master Trust
Fund, and Twin City Carpenters
Vacation Fund; Scott Malcolm as
Trustee of the Carpenters and
Joiners Apprenticeship and
Journeymen Training Trust Fund,
and each of their successors,

Plaintiffs,

Plaintiff,

vs.

ORDER ADOPTING
REPORT AND RECOMMENDATION

Nealen Halonen, individually, and
d/b/a Neal Halonen Construction,

Defendant.

Civ. No. 07-1545 (PJS/RLE)

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Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

1. That the Plaintiffs' Motion for an Entry of Default Judgment [Docket No. 6] is granted.

2. That, to the extent not previously completed, then, pursuant to Rule 55(b)(2), Federal Rules of Civil Procedure, the Defendant is directed to submit to the Plaintiffs by **September 7, 2007**, any fringe fund reports that have not yet already been submitted, as well as any unpaid contributions, at the offices of Wilson McShane, 3001 Metro Drive, Suite 500, Bloomington, MN 55425, and

correctly identify any hours worked pursuant to the Collective Bargaining Agreement.

3. That Defendant pay \$21,234.35 in fringe benefit contributions, plus liquidated damages in the amount of \$3,188.35, for the delinquent contributions for the months of December, 2006, January, 2007, February, 2007, March, 2007, and April, 2007, and May of 2007.¹

4. That, if the Defendant fails to make the payments required by any Court Order, the Plaintiffs may move the Court for the entry of a money Judgment in the amount of unpaid contributions, liquidated damages, and reasonable attorney fees and costs, as shown by Affidavit filed with the Court,² and the Court shall enter Judgment ten (10) days after service of the Motion and Affidavit on Defendant.

Dated: 8/22/07

s/Patrick J. Schiltz
Patrick J. Schiltz, Judge
United States District Court

¹This amount includes the credit for the \$10,599.19 payment which was made by the Defendant on May 25, 2007.

²In the absence of any Affidavits, which address the attorney fees that the Plaintiffs are seeking, as well as the reasonableness of those fees, we cannot recommend the entry of a Final Judgment at this time, as the Plaintiffs have failed to provide a basis for any requested attorney fees and costs that, assertedly, are associated with this action.